

Application No.: 09/771,814
Amendment dated: 16 Dec 2003
Reply to Office Action mailed: 16 Sep 2003

Remarks

In the above-noted office action, all of the pending claims, claims 1-20, were rejected. Claims 1-3, 11-13, 16, 17, and 19 were rejected under section 102 (e) over Kim. And, claims 4, 5, 7, 14, 15, 18, and 20 were rejected under section 103 (a) over the combination of Kim and Chuah. Additionally, claim 10 was rejected under section 103 (a) over the combination of Kim and Dohi.

Responsive to the rejections of the claims, independent claims 1 and 16 have been amended, as set forth herein, in manners believed better to distinguish the invention of the present application over the cited references used thereagainst.

With respect to exemplary claim 1, the claim has been amended now to recite apparatus that selectably permits communication of at least a first burst of data pursuant to a second communication service. The recitation of the detector has been amended, now to recite that the close loop power control commands detected by the detector are detected during effectuation of communication of the data pursuant to the first communication service. And, the recitation of the decision maker has been amended to recite that the data communication permission command, when generated, grants permission to the first communication station to communicate the at least the first burst of the data pursuant to the second communication service. Method claim 16 has been analogously amended.

Neither Kim nor Chuah, taken alone, or in any combination, discloses such structure or associated method. To the extent that the Examiner asserts that Kim and Chuah can be combined to form the apparatus and method, recited as now-amended, such assertion is traversed. The examiner acknowledges that Kim fails specifically to teach the communication of data, permitted responsive to generation of the data communication permission command to be effectuated pursuant to a second communication service. The examiner relies, however, upon Chuah for disclosing such operation, specifically at column 4, line 62, and following.

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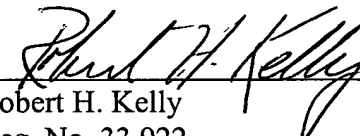
Review of the cited portions of Chuah, as well as other portions of the reference, fail to disclose the decision maker, or analogous operation of comparing, as now recited. No disclosure is made in Chuah, or Kim, of utilizing measured indications of the closed-loop power control commands communicated pursuant to a first communication service to selectably generate the data communication permission command to permit the communication of the first burst of data pursuant to the second communication service.

Amendments to various ones of the dependent claims are made responsive to amendments made to their respective parent claims or to remove various informalities. As the dependent claims include all of the limitations of their respective parent claims, these claims are believed to be patentably distinguishable over the cited combination of references for the same reason as those given with respect of to their parent claims.

In light of the foregoing, therefore, independent claims 1 and 16, as now-amended, and the remaining ones of the dependent claims dependent thereon are believed to be in condition for allowance. Accordingly, reexamination and reconsideration for allowance of these claims is respectfully requested.

Respectfully submitted,

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